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SUBJECT: SPAIN LEGALIZES STATUS OF NEARLY 691,000 ILLEGAL IMMIGRANTS
UNDER AMNESTY PROGRAM

REF: (A) 04 MADRID 3701, (B) MADRID 517

11. (U) Summary: Spain concluded its three-month amnesty program for illegal immigrants having collected more than 691,000 petitions nationwide. Officials at the Ministry of Labor and Social Affairs stated they expect to approve 80% to 90% of the petitions. New immigrants earnings could generate up to USD 2.8 billion (1.5 billion euros) for Spain's national social security program in the coming year. However, some immigrant and human right groups have pointed out that there may be as many as one million illegal immigrants who did not qualify for legal status under this recent amnesty program. Remaining undocumented immigrants may still apply for legal status under Spain's Foreign Alien Law, but they would face tougher work and residency requirements. It is unlikely that unqualified immigrant petitioners will be forced to leave the country given that immigration authorities carried out only 26% of the 50,000 deportation orders they issued in 2004. Both the opposition Popular Party and European Union have continued their criticisms that the Zapatero government's immigration policy could attract more illegal immigration and generate disagreements with EU members on internal border security. End Summary.

Amnesty Program Results

12. (U) The Zapatero government initiated discussions in October 2004 with immigrant groups and labor unions on granting legal work and residence status to illegal immigrants by modifying Spain's Foreign Aliens Law to provide for an amnesty program (ref a). Officials stated that purpose of such a program would be to reduce underground economic activity of illegal immigrants working in Spain, and to reduce their alienation from Spanish society and potential for social conflict by providing them certain rights and access to social services. By the end of 2004, the government had reached broad agreement with immigrants and labor groups to implement an the amnesty program for February to May 2005 (ref b).

13. (U) Spain ended its three-month immigration amnesty program for illegal immigrants on May 7 with national immigration offices processing over 59,000 new petitions on that day, bringing the total number of petitions received nationwide to more than 691,000. This total surpassed the number of petitions the government accepted in its six previous amnesty programs since 1991. According to government figures, 21% of the petitioners in this year's program were Ecuadorians (135,783), 17% Romanians (108,494), 12% Moroccans (77,284), 9% Colombians (54,677), among other nationals from Latin America, Eastern Europe, and Africa. Madrid received 25% of all applications, followed by Catalonia (20%), Valencia (15%), Andalusia (12%), and Murcia (7%)--all are regions with large immigrant populations. Petitioners were granted one year residence and work authorizations if they provided proof that they had established residence in Spain before August 7, 2004, had no criminal record, and presented a Spanish employment contract for a minimum of six months. However, most immigrant petitioners will not be registered by their employers in social security system and receive Spanish identity cards until July.

Spanish Minister Hails Amnesty Program's Success

14. (U) Labor and Social Affairs Minister Jesus Caldera, who appeared in the press personally greeting immigrant applicants on the last day of the program, described the amnesty program a success. He estimated that 80% to 90% of immigrant petitioners would be granted legal status, and taking into account the number of children and spouses of approved petitioners, nearly 1 million immigrants would be granted legal status in Spain. Caldera emphasized that the amnesty program was "the greatest effort to reduce underground economic activity in all of Europe in the last forty years" because former illegal immigrants are now registered with Spain's national social security system. New immigrants would contribute up to USD 2.6 billion (1.5 billion euros) to Spain's pension system, Caldera noted.

15. (U) Minister Caldera also announced that the amnesty program

would be followed by a new Work Inspection Plan that would involve 500,000 public inspections of Spanish businesses to verify that immigrants had accurately reported their employment status. The public inspections would focus on construction, hotels, agriculture, trade and service sector businesses. In addition, employers that are found employing illegal immigrants after the amnesty period could be fined up to USD 80,000 (60,000 euros) for each illegal worker. Caldera stated that 1,700 employees from the Department of Spanish Labor Inspections would complete employer investigations throughout the remainder of the year. However, members of the Spanish Labor Inspectors Union responded to Caldera, stating they do not have the capacity to carry out such a massive, nation-wide investigation of all employers of former illegal immigrants.

Tougher Legalization Requirements For Remaining Illegal Aliens

16. (U) Immigrant labor union and human rights groups have argued that amnesty program left out nearly one million undocumented immigrants who did not qualify for legal status. The government has not raised the possibility of another amnesty process. Caldera warned that illegal immigrants should leave voluntarily or face deportation unless they qualify under other provisions of Spain's Foreign Alien's Law. Under this law, undocumented immigrants may qualify for legal status if they reveal a Spanish employer hired them illegally, and prove that they have worked a minimum of one year and lived in Spain for a minimum of two years. They could also be eligible if they prove social ties to Spain by presenting a work contract, three year's residency, and family ties to Spain or an official "social integration" document from a Spanish municipality.

17. (U) Illegal immigrants who still fail to qualify for legal status are unlikely to be deported by Spanish authorities. Spanish immigration authorities carried out only 26% of the 50,000 deportation orders they issued in 2004 because they could not identify the county of origin of the undocumented immigrants, or because Spain lacked repatriation agreements with the illegal immigrant's country of origin when it could be identified. In other cases, the law allows illegal immigrants to avoid incarceration while their deportation orders are being processed. This has given many illegal immigrants the opportunity to evade immigration authorities and remain living in Spain undetected.

Opposition Popular Party and the EU Criticize GOS Immigration Policy

18. (U) Opposition Popular Party (PP) officials have continued their attack on Goss's immigration policy with the conclusion of the amnesty program. In his May 9 response to President Zapatero's State of the Nation speech, Popular Party President Mariano Rajoy attacked the government's immigration policy calling it a "huge trumpet call" for new illegal immigrants into Spain. In one notable barb, Rajoy said word of Spain's "famous" immigration policy had by now "reached Pakistan." The only missing elements were welcome centers in the countries of origin and processing immigrants for legal status upon their arrival in Spain. PP Secretary General Angel Acebes and Social Policy Secretary Ana Pastor both issued press statements warning that

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unless the government now works to integrate new immigrants into Spanish society, Spain would experience "xenophobic behavior and social confrontation." Pastor also added that the potential pull factor created by the amnesty program Spain could create confrontation with EU member states on common immigration policy and border security issues. She noted that the amnesty program had sent a message to EU that Spain was the only EU country that was willing to "implement an immigration policy that has nothing to do with the rest of the [EU member] countries."

19. (U) EU members voiced their concerns on Spain's immigration policy during the May 12 G-5 Interior Ministers meeting between Spain, Germany, France, Italy and the UK on regional immigration and border security issues, according to press reports. The French and Germany Interior Ministers criticized the Spanish amnesty program for its potential pull effect of new illegal immigrants into the European Union. (France, Germany, and the Netherlands reportedly had raised similar concerns at the EU level in February when Spain launched its amnesty program without advising other member states.) Schilly stated that "respect for the Spanish decision [to grant amnesty to illegal immigrant workers in Spain], does not mean we will adopt it."

10. (U) Responding to French and German concerns, Spanish Interior Minister Antonio Alonso stated that the recent amnesty program would not affect labor markets in other European countries and added that Spain would offer no new immigrant amnesty programs. Recent press reports have indicated that France, as well as other EU countries, may not recognize Spanish

immigrants who obtained work permits and social security under amnesty program. The Spanish government has thus far not reacted to possible action by its EU partners to deny work and social benefits to new Spanish immigrants who choose to immigrate to other EU countries. However, Spain did agree to join the EU consensus on allowing member states to create random police controls in the event of a possible immigration crisis within the EU.

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